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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Ghaleb A. Sater

Serial No: 10/025388

Filed: December 19, 2001

For: Surgical Anchor Implantation Device

Attorney Docket No. MIY-P01-012

Art Unit: 3731

Confirmation No.: 5072

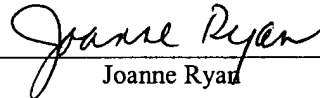
Examiner: Bradford C. Pantuck

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed on May 28, 2004, in connection with the above application, Applicants hereby elect with traverse Species 2, as represented by Figure 1C. Claims 1-3, 7-9, 14, 15, 17-19, 21-25, 27-31, 34-37 are claims readable on the elected species.

Applicants note with appreciation that the Examiner deems claims 1 and 37 to be generic claims linking elected and non-elected species. Pursuant to MPEP 809.04, "[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim." Thus, restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim (MPEP 809). In other words, upon the allowance of a generic claim, Applicants are entitled to

consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141 (MPEP 809.02(a)).

CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: June 28, 2004

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